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Day 1

JUDICIAL REFORM IN ASIA
CURRENT ISSUES AND CHALLENGES

SESSION I

COUNTRY REPORTS ON JUDICIAL REFORM (1)

The Judicial System in Thailand: An Outlook for a New Century*

Vichai Ariyanuntaka**

Introduction

Perhaps we are blessed with living in interesting times. In 1997 Thailand witnessed the transition of its economy from phenomenal success and double-digit or near double-digit growth to near collapse verging on the state of bankruptcy in many financial quarters. Lawyers, like any other profession, bear the burden of bringing Thailand out of this predicament. This is a time for re-thinking, re-planning and re-structuring Thai's legal infra-structure to create the legal environment friendly to international trade and investment. The legal environment whereby legal rights, local and foreign, shall be equally protected and enforced under Thai law and the dispute resolution mechanism in Thailand. The legal environment of good faith and trust worthiness. The legal environment which will lead Thailand to the more glorified days of international trade and investment and the recovery of Thai economy as a whole.

Under the new Constitution promulgated in 1997, substantial changes have been made in Thai political, social and legal environments. A Constitutional Court has been established. The system of administrative courts has also been established. In the field of criminal justice system, a human right oriented approach is preferred to the traditional strict appliance of 'law and order' approach. In the field of civil justice

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* This is the précis of a research entitled "The Judicial System in Thailand: An Outlook for a New Century", undertaken by the Central Intellectual Property and International Trade Court in Thailand in conjunction with the Institute of Developing Economies (JETRO-IDE) of Japan. Members of the working group for the research comprise of seven judges from various courts of justice in Thailand and two legal officers acting as secretariat. Each judge is assigned to write a chapter on his expertise. A few meetings are conducted to interview players in each compartment of the legal profession. Meetings among the working group members are conducted to arrive at certain consensus. All members are responsible for the final draft. Justice Prasobsook Boondech, the Chief Justice of the Central Intellectual Property and International Trade Court graciously acts as the honorary advisor to the research programme. The précis is prepared at a short time to fulfill the requirement of the Roundtable Meeting on Law, Development and Socio-Economic Change in Asia, to be held in Manila Philippines on 20-21 November 2000. The working group reserves the right to make changes during further research and meetings. The views expressed in this paper represent the personal opinions of the authors and do not necessarily reflect those of the Central Intellectual Property and International Trade Court.

** Judge, Central Intellectual Property and International Trade Court, Thailand

system, case management by the judge and alternative dispute resolution (ADR) are encouraged.

Recent Trends in Dispute Resolution Mechanism in Thailand

Novelties in the administration of civil justice in the court of justice in Thailand may be listed as follows:

(1) The Practice Guidance by the President of the Supreme Court on Court-Annexed Conciliation and Arbitration.

(2) The Establishment of Intellectual Property and International Trade Court.

(3) The Establishment of Bankruptcy Court.

I. Practice Guidance on Court-Annexed Conciliation and Arbitration

Similar to the English practice where the Lord Chancellor may issue *Practice Directions*, the President of the Supreme Court in Thailand may issue *Practice Guidance* for judges in order to achieve uniformity and fair dispense of justice. Influenced by the much publicized use of ADR in the United States, in 1996 the President of the Supreme Court issued the Practice Guidance on court-annexed conciliation and arbitration. The Practice Guidance may be summarized as follows:

(a) In cases where the presiding judge is of the opinion that there is a reasonable chance of amicable settlement between the parties, the court shall initiate the conciliation process.

(b) In cases where the conciliation fails and the issue in dispute involves technical point of fact where the assistance of a neutral or an expert may be helpful in the speedy resolution of the case, the court, with the approval of the parties may appoint an arbitrator to rule on the matter given. The award thus rendered by the arbitrator, if approved by the court, shall be incorporated in the final judgment.

(c) In cases where the conciliation fails and the presiding judge considers that it might not be appropriate for him or her to continue sitting in the case, he or she may withdraw from the case except where it is contrary to the intention of both parties.

(d) Each court may designate a special room for conciliation purposes. The atmosphere shall be informal. The judge and the lawyers shall not put on

their gowns.

(e) Where a speedy settlement is achieved, the court may consider returning the court fees to the parties. At present the court fees stand at 2.5% of the amount in dispute but not exceeding 200,000 baht (approximately US$ 5,300) payable at the filing of the Claim. This is designed as an incentive for settlement in certain cases.

Conciliation is now practised by courts of justice throughout the country with encouraging figures of success. Even cases at the appellate level may be settled by conciliation. It is widely used in the Civil Courts in Bangkok, in the civil jurisdiction of provincial courts throughout the country, in the juvenile and family courts for cases concerning family law, in the Central Labour Court for cases of labour disputes and in the Central Intellectual Property and International Trade Court for cases of intellectual property and international trade disputes.

II. Establishment of the Intellectual Property and International Trade Court

In late 1996, the Act Establishing the Intellectual Property and International Trade Court and Its Procedure 1996 was passed by the Parliament. The Act was the culmination of a joint effort between the Ministry of Justice and the Ministry of Commerce in the wake of negotiations between Thailand and the United States as well as the European countries on trade related aspects of intellectual property rights. In fact Thailand is exceeding its obligation under Article 41(5) of the TRIPS Agreement[1] by establishing the IP & IT court.[2] Article 41(5) simply states:

> *It is understood that this Part does not create any obligation to put in place a judicial system for the enforcement of intellectual property rights distinct from that for the enforcement of law in general... Nothing in this Part creates any obligation with respect to the*

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1 The Agreement on Trade-Related Aspects of Intellectual Property Rights. See Ariyanuntaka "Enforcement of IP Rights in Accordance with Obligations under the TRIPS Agreement: A Thai Perspective", *Botbandit* (Journal of the Thai Bar Association) December 1995, at 179.

2 Under the Act, a Central Intellectual Property and International Trade Court is established with the jurisdiction of Bangkok Metropolis and its vicinities with the possibility of additional Regional IP & IT Courts to be established later by Act of Parliament.(ss 5 and 6)

distribution of resources as between enforcement of intellectual property rights and the enforcement of law in general.

However, the IP & IT Court is established to create a 'user-friendly' forum with specialized expertise to serve commerce and industry. International trade is added to the jurisdiction of the court for the reason that in a country like Thailand specialized Bench and Bar in IP and IT should be grouped together for easy access and administration. Not least for want of sufficient workload to warrant a separate court !

The followings are some of the prominent features in the new court system:

(1) Liberal use of Rules of the Court to facilitate the efficiency of the forum.

(2) Exclusive jurisdiction in the enforcement of arbitral awards in intellectual property and international trade matters.

(3) Panel of three judges to constitute a quorum. Two of whom must be career judges with expertise in IP or IT matters. The third member of the panel shall be an associate judge who is a lay person with expertise in the matters. A double guarantee of specialization !

(4) Availability, for the first time in Thai procedural law, of the '*Anton Piller* Order' type of procedure.

(5) Possibility of the appointment of expert witness as *amicus curiae.*

(6) Leap-frog procedure where appeals lie directly to the IP & IT Division of the Supreme Court.

While establishing a new court is not an easy task, the promotion of it to international commerce and industry is most difficult of all. One will have to create the right 'legal environments' to attract international commercial litigation. Reputation, integrity, expertise, convenience, accessibility, expenses, respect and the enforceability of judgment in jurisdictions where it matters most are but some of the criteria one considers hard when choosing a forum to conduct international commercial litigation.

III. Establishment of Bankruptcy Court

1. Procedure in the Bankruptcy Court

Formal insolvency mechanisms are currently governed by the Thai Bankruptcy Act 1940. This legislation went through four amendments, i.e. Bankruptcy Act (No.2)

1968, Bankruptcy Act (No.3) 1983, Bankruptcy Act (No.4) 1998 and Bankruptcy Act (No.5) 1999. Basically, there are two mechanisms provided by the current law. The first one is the liquidation or bankruptcy procedure and the second is the reorganization or rehabilitation procedure.

The law was comprehensively amended in 1998 and 1999 due to the need of a reform in the bankruptcy law. The reorganization procedure and some other changes are the result of the effort by the government to modernize the system. To strengthen the changes made to the law, the Thai parliament also approved the establishment of a specialized bankruptcy court.

The details of each procedure are shown below.

2. Bankruptcy Cases

In general, the bankruptcy of individuals, partnerships and companies is concerned with the realization of the assets subject to the bankruptcy charge, and with the distribution among all administration for the benefit of these creditors under the bankruptcy law. The law in this area is solely governed by the Bankruptcy Act 1940 (B.E. 2483) (BA). The term "execution" itself is never mentioned in the Act, but instead it is called "administration of the bankrupt's property". The officer in charge of the said process is called an official receiver who, by law, must be a qualified lawyer and recruited by the Ministry of Justice.

2.1 Receiving Order

The administration does not commence until a receiving order is made against a debtor. To obtain such order, a creditor will have to file a bankruptcy petition against the debtor and satisfy the court of the required grounds under BA ss. 9, 10. The trial for the issue will be set and the outcome will depend upon the evidence (BA s. 14). Once the receiving order is made against a debtor, he will, by the effect of the order, cease the control of his assets which, by law, is vested in the official receiver.

It should be noted that at this time the debtor is not yet bankrupted by law, albeit not far from it. It is the obligation of the official receiver to proceed further, that is to forthwith advertise the order, call for the first creditors' meeting and make a public examination of the debtor in court (BA ss. 28, 31, 42, 43).

2.2 Meetings of Creditors

The first creditors' meeting is crucial for the debtor since the matter is for the creditors to decide whether the debtor should be adjudicated bankrupt (BA s. 31). The debtor may submit a proposal in the meeting of creditors to settle the issue which, in order to succeed, will need a special resolution in favor of it, i.e. a resolution by a majority of creditors whose claims equal three quarters of the total claims of creditors who present at the meeting personally or by representation and have voted on such resolution (BA s.6). The proposal is forbidden if it is against the principle of *pari passu*, i.e. proportionate distribution. Unless the proposal is successful, the case will be redirected to the court and a bankruptcy order will then be made.

Other creditors meeting may be called by the official receiver at such time as may be proper, compulsory by law, court order or demanded by the required numbers of creditors (BA s. 32).

2.3 Composition and Realization of Assets

The debtor may propose a composition to the creditors' meeting during this time, but it requires a special resolution at the creditors' meeting.[3] If the debtor fails to secure a composition, the court will adjudicate the debtor a bankrupt.

It is the responsibility of the official receiver, with assistance from the creditors, to undertake the gathering of all assets which are distributable under bankruptcy law. The power of the official receiver in this respect is far wider than that of the executing officers. The process may involve seizure of property in a similar manner to the enforcement of judgment in civil cases. However, property belonging to third parties may also be seized if it is in the possession or disposition of the debtor in the course of trade or business of the debtor by consent of the owner under the circumstances which create the view that the debtor is the owner when the petition in bankruptcy is filed against the debtor (BA s. 109 (3)).

Further, the official receiver is entitled, under BA ss. 118 and 119, to claim payment of money or demand the delivery of property from the bankrupt's debtors. The aforementioned claim or demand will have to be in the form of a written notice informing such person what he will be deemed to be indebted as such unless he submits his denial in writing with reasons to the official receiver within 14 days from the date

[3] Special resolution requires the supporting of at least three-quarters of the value of debts and the majority in the

the notice takes effect.

When the denial is submitted, an investigation will be carried out by the official receiver to determine whether or not the bankrupt's debtor is actually indebted to the bankrupt. If the official receiver believes so, a second notice will then be served upon the bankrupt's debtor and he, if objecting to it, must apply to the court for a hearing on such issue within 14 days.

In the case where there is no objection from the bankrupt's debtor or the court has made an order against him, if the demand or court order is not complied with accordingly, the official receiver is empowered to apply for a writ of execution against such a person and enforce it in the same manner as in civil cases.

The work of the official receiver does also include the process of recovery of the assets disposed by the bankrupt to third parties. The official receiver may apply by motion to the court to nullify the transfer of property on the following grounds:

- Fraudulent transaction under BA s. 113.
- Transaction made within 3 months preceding the petition with the intention to prefer some creditors under BA s. 115. (The qualified time for transaction made with insiders is a year.)

The property may be sold by the official receiver in any manner which shall be convenient and most beneficial to the creditors. However, a sale other than by auction will require the approval of the creditors' committee except it is permitted by law (BA s. 19, 123).

2.4 Distribution

To be entitled to dividends of the assets of the bankrupt, every unsecured creditor is required to submit a formal claim, known as a proof of debt, to the official receiver within a period of 2 months from the date of publication of the receiving order (BA s. 91). The claim has to show that the debt in question is provable under BA ss. 92-94. Secured creditors can submit a formal claim only if he has complied with one of the conditions under BA s. 96.

The official receiver will, without delay, examine all the claims and subsequently report his opinions to the court which will finally decide whether each

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number of creditors attending and voting.

claim should be dismissed or allowed in full or in part (BA s. 104-107).

Preferential debts and expenses of the official receiver have priority over other claims and will be paid out in order stated in section 130. Ordinary debts rank equally among themselves and will be paid out on *pari passu* basis, i.e. ratable proportionate. Payments must be made at all times not exceeding 6 months from the date of the bankruptcy order unless the court permits an extension of time. (BA s. 124)

2.5. Termination of the Administration

The debtor can be released from bankruptcy in three major ways, a composition after bankruptcy, a discretionary discharge and an automatic discharge. The first two actually came with the 1940 Act whereas the third was newly included into the Act by the Bankruptcy Act (No.5) 1999. In short, a bankrupt if wants to be released before the period of three years from the date of adjudication may try to reach a compromise with creditors through a composition process after bankruptcy or may apply to the court for a discretionary discharge order. In any case, a bankrupt will be automatically released from bankruptcy after the period three years expire. It is to be noted that claims based on debtor's fraudulent conduct and tax claims cannot be discharged.

3. Reorganization or Rehabilitation

The process of business reorganization under the new law is more like a hybrid of US Chapter 11 type and the Judicial Management of the Singaporean law. In short, this reorganization could be described as the court supervised formal attempts to restructure the finances of a financially distressed enterprise. The new provisions contain very detailed provisions on reorganization procedure. The law is intended to prevent business from being driven into unnecessary bankruptcy because of temporary liquidity problems. In order to solve the problems, the law subjects indebted enterprises to a reorganization proceeding if a creditor or the debtor files a petition with the court and if the debtor owes at least 10 million baht to one or more creditors. Reorganization is provided for companies both private and public, and for other enterprises as may be provided by ministerial regulations. None of the regulation is yet in existence.

Upon filing the petition, the moratorium or automatic stay under section 90/12 will come into effect and will prevent secured and unsecured creditors from pursuing their debts, enforcing their civil judgment or filing a bankruptcy petition against the

debtor but to participate in the reorganization proceeding. A court trial will be set to decide if the reorganization order is to be issued. It is stated very clearly in the law that the trial must be conducted in the speedy manner in order to prevent any delays. If the court is satisfied that the debtor is insolvent and has the possible potential of achieving the success of the business restructure, the court will issue the reorganization order. Once the reorganization order is issued, the court will have to appoint a planner to form a reorganization plan. The planner will also have the power to run the business during the reorganization under the supervision of official receiver and the court.

The proposed plan must be put to a vote by creditors within 3 months after the appointment order and must be approved by a special resolution of creditors with certain qualified majority. Only the creditors who have filed their proofs of claim with the official receiver of the business reorganization within one month from the date of the publication of the appointment of the planner order have the right to vote. If the plan receives the approval from creditors, it will then be submitted to court for a confirmation. Motions against the confirmation may be filed with the court on the basis that there is an unfair treatment of creditors.

The details of each plan could vary depending upon the problems and status of business. A composition can be provided for the plan, as well as a capital reduction or increase. The time period limitation for the plan is five years but may be extended by the court. If the process fails to help the business, the court could declare the enterprise bankrupt and the liquidation under the bankruptcy law will follow.

3.1. Automatic Stay

Moratorium or automatic stay is the major element of the reorganization law in every jurisdiction. The question is to understand the scope of the automatic stay in each country since it varies very much from one to another

Thai automatic stay has a very wide scope and will come into effect at the very beginning. Section 90/12 provides that upon the acceptance of the reorganization petition by the court, the so-called "automatic stay" will be effective. This does not depend on whether or not it is the petition from the debtor or creditors like in the US jurisdiction.

The stay will have the effect to both secured and unsecured creditors. The stay will freeze all the civil suits and bankruptcy actions against the company. Secured creditors will not be able to enforce payment of debt against the asset, which is security,

unless allowed by the court. This approach is in line with the concept of adequate protection in many jurisdictions. The court can allow the enforcement against security if it can be shown that there is no sufficient protection of the rights of secured creditors.

During the stay but before the reorganization order is issued, the existing management can still have control over the company subject to the limitation that it can only conduct the ordinary course of business. To do something further than the ordinary course of business, the management will need a leave of the court.

The stay will be effective until, (a) the expiration of period of time for implementation of the plan, (b) the date on which the plan is accomplished successfully, or (c) the date on which the court dismisses the petition, disposes of the case, repeals the order for a business reorganization, cancels the business reorganization, or issues a receiving order.

3.2 Management

With the concept of appointing someone as a planner, the law has to balance the interest of the shareholders and creditors reasonably. The concept under the US Chapter 11, i.e. giving priority to the debtor to form a plan, and both the concept under the English Administration, i.e. appointing an independent licensed practitioner to take control over the company, influenced the Thai legislation.

Although section 90/16 provides that the Minister of Justice may prescribe ministerial regulations relating to the registration and qualifications of the planner, until now there is still no such regulations. The debtor may have the edge over creditors if it proposes someone as the planner. The law provides that if there is more than one person proposed as the planner, the one proposed by the debtor should be the planner, except at the creditors' meeting, there is a vote amounting to two-thirds of the debt value of the creditors attending and voting deciding otherwise. Therefore, to this extent, it is correct to say that management may or may not change hands during the forming plan period.

Once the plan is completed and submitted to the creditors' meeting, there might be another possible change of the management. The one who will have the power to run the business in accordance with the plan is called a plan administrator. The plan must state who the plan administrator is. It is accepted that the planner and the plan administrator may not be the same person.

The plan administrator must prepare a report of the plan implementation and submit it to the official receiver every three months. The removal of the plan

administrator for wrongdoing or fraud can be done by a court order. Creditors may change the plan administrator through the amendment of the plan. In any case, the plan administrator will cease the control of the company once the court orders that the rehabilitation comes to an end. Who will take over depends upon the outcome of the rehabilitation. If the outcome is a successful one, current holder will recontrol the company. On the other hand, if the plan fails, official receiver will come to have the control.

3.3 The Plan

The new law does give the plan formed within its scope some more advantages than the one done for the purpose of an informal workout. First, the interest of equity holders seems to be very much limited. All the powers relating to the decision-making on the future of the company is now shifted to creditors. This includes the powers to decide to reduce and increase the capital. Conversion of debts into equity is also allowed.

The credit given to the company under the plan does enjoy a priority right over existing unsecured debts. It is very unfortunate that the superpriority is not adopted by this legislation.

For cases filed with the court prior to 22nd April 1999, the plan is deemed to be accepted by the creditors if it receives a special resolution, i.e. a resolution by a majority of creditors whose claims equal three quarters of the total claims of creditors present at the creditors' meeting in person or by proxy and voting on such resolution. For cases filed after the said date, the procedure for voting is very different since creditors will be classified into groups and some groups may be crammed down to accept the plan.

IV. Future Trend of Legal Education in Thailand

In the future, many legal education institutes are looking forward to accelerating their legal education improvement of producing appropriate personnel to serve the society. Many universities annually improve their curriculums to muster up students who will have their areas of expertise in the period the first or second year of studying. The curriculum will be more intense in each area and more legal subjects are provided for students to choose. This effect comes from the changing of society. The more areas of study occur, the more in-depth of knowledge is in need. The area of laws

is inevitably effected. At present, it is the age of information technology where phenomenon has been bringing the world to no boundary. It is the era of international exchanging of information, which brings about many implications. International matters play the important roles in the world communities in many areas, especially in business activities. When the market of international business transaction is in need of personnel, most of educational institutes are moving toward those needs. With no exception to the legal education institutes, they are trying to serve this personnel shortage, which, however, has long been lacking. Even thought the long plan to produce international practicing lawyers from undergraduate and postgraduate students has been being on the way as mentioned earlier, there is also urgent need to provide some knowledge on international legal forum to current practitioners both lawyers and non lawyers in the community. Some of the outstanding education institutes, then, are managing to provide significant education in this area of international legal matters. They are coming with short course and medium course where students will obtain the diploma after going through the course. Some institutes provide Master Degree to a successful student who implements their long term course. One of the programs which is interesting and should be mentioned here is the Master of Arts in Economic Law 2000 provided by Chulalongkorn University. This program is designed under the consideration of the drastic trend of global economy, monetary transaction and international investment under the scope of the World Trade Organization (WTO) and the scope of regional groups such as European Union, NAFTA, AFTA, APEC, etc. In the section of economy and business of the country, the relation between law and financial & investment market has been increasing in every moment. The new creation of cooperation between private institution in investment, establishment of business organization, business negotiation, utility of new financial instruments needs to be approached with competent particular business concept together with legal perception as well. Due to the limited numbers of experts in this area, the program is, therefore, designed to prepare and produce both lawyers and businessmen who have conception and knowledge in global and regional economic law for the global business community. This program eliminates obligation, which the legal curriculum structure is always created significantly toward legal technical profession whereby a law student neglects the concept of other areas outside legal scope. This program, therefore, combines relation between law and economics in the sense of correspondence, which will create a candidate who gains vision and integrated concept and can serve the community in the mist of the changing of the

global economic phenomenon. Qualification of a candidate who will be admitted to study is: graduated with law, economics, business administration or accounting degree and having working experience in those fields not less than 3 years or if graduated with other degree than those three, a candidate must have no less than 4 years experience or if a candidate has postgraduate degree, experience is not needed. However, a student who has less legal basic must take special courses on particular fundamental legal subjects approved by the Board of Postgraduate Study. The time of fulfillment is not more than 4 years and not less than 2 years. A student must accumulate at least 39 credits to graduate with the master degree. The curriculum subjects are as follows:

Compulsory subjects with total of 27credits

Economic Analysis of Law	3 credits
Relationship between Law and Business	3 credits
Contract Negotiation and Drafting	3 credits
Law relating to Business Organization and Management	3 credits
Tax and Business	3 credits
Laws relating to International Business	3 credits
Settlement of Disputes in Business	3 credits
Criminal Law and Economic Crimes	3 credits
International Economic Regulations	3 credits

Noncompulsory subjects with total of 9 credits

Law of International Commercial Transactions	3 credits
Tax and International Business	3 credits
Business Tax Planning	3 credits
Laws relating to Business Finance	3 credits
Law on Marketing Planning	3 credits
Law relating to Industry and Labor	3 credits
Law relating to Commercial Credits	3 credits
Law on Securities	3 credits
Law on Derivatives and Derivative Market	3 credits
Law on Business Planning	3 credits
Important Business Contracts	3 credits
Law and Contract for Real Estate Development	3 credits

Intellectual Property Law	3 credits
Natural Resources, Environment and Law	3 credits
Thesis with total of 12 credits	
Individual Study with total of 3 credits	
Individual Study on Economic Law and Business Law	3 credits

In the meantime, the Bar Association has also been working on transcending its curriculum to meet new legal environment. The Bar, upon legal experts brainstorming, concluded the future legal trends and created norms toward those tendencies to produce more productive lawyers to the community. Upon the conclusion, the appropriate lawyer is compared with social architect or engineer. He or she should have very keen legal knowledge in particular area. Economic, social, and politic matters will be important for all lawyers to understand those situations and its implications. Lawyers, therefore, will be able to manage to establish justice in the society, which is the step toward elevating quality and integrity of Thai community. Lawyers should be able to protect state interest and sovereignty. Toward the qualified lawyer, there must be concrete strategies to improve and establish legal knowledge and merit of all lawyers to serve the country. With those strategies, the Bar has concluded as follows:

There should be enough special curriculums in specific area of law for specialized lawyers such as in the area of Intellectual Property Law, International Trade Law, Administrative Law or Private International Law.

The way of learning and testing the students in Legal Education of the Bar must be differentiated from those in the universities. The curriculum must provide the opportunities of learning the law, understanding and applying them appropriately. The way of utilizing the law must be focused on its merit besides earning of interest.

The curriculum must also be concentrate on morality, ethical conduct and social responsibility. The improvement in this matter must be intense for the foreseen professional practices.

Legal Education of the Bar must expand its objective to cover all law practitioners. Not like in the past that the institute only provided legal personnel for the community of judicial, public prosecutor and litigation lawyer, the institute must presently serve the community out of the court as well by producing appropriate lawyers such as legal consultants to the field of business transaction.

From those educational moves of the Bar, we can foresee good pictures of legal profession of Thai Community in the future. If the Bar fulfills its expectation including the supplementation from legal educational markets in many learning Institutes, standard of Thai lawyer will be even better and levitate the society up to the anticipation.

V. Legal Profession Training and Development

Thai judiciary within the Ministry of Justice has long been providing legal training in its institution. Because judiciary is crowded with legal nobles and in the past there were not many numbers of judiciary, they, therefore, trained new comers individually. The way of training was more like on-the-job training where a candidate who was approved to work in the judiciary would be posted as Judge-Trainee and would be trained by a senior judge who had experience more than 20 years of judicial work. A senior judge would train a Judge-Trainee word for word by the reason of efficient training. The senior judge would have responsibility to contribute job operation knowledge in all areas from adjudicating through delivering a judgment. And more importantly, a senior judge would emphasize also on judicial ethic along the way besides professional training. Lectures and seminars were provided by high ranking and prominent justices from time to time. However, when there were the increasing numbers of new comers into the institute, the Ministry of Justice, therefore, established its Training and Seminar Division under supervision of the Office of the Judicial Affairs. This Training and Seminar Division had the main duty to organize training for Judge-Trainees before sending them to be trained with senior judges. In 1987, the Ministry of Justice realized that it was necessary to enhance judge and court personnel's knowledge and capability by means of pre-service training and continuing education programs in order to assist them in discharging their duties more efficiently and effectively. And due to the fact that the Training and Seminar Division had a very limited capability of manpower and place not enough to implement all training programs intended by the Ministry, therefore, under distinguished idea of Honorable Justice Sophon Ratanakorn, Permanent Secretary of the Ministry of Justice at that time, the Ministry of Justice eventually proposed and got approval from the government the project to expand and develop the Training and Seminar Division to be the Judicial Training Institute. Judicial Training Institute, nowadays, has its own twenty-storied building including more than 5 seminar rooms and 70 air-conditioning bedrooms for participants throughout the country to attend long term training. The Judicial Training Institute is annually running

various kinds of both legal and related knowledge training and seminar for all level of judicial personnel not only a Judge-Trainee training. Normally, more than 40 courses of training and seminar are conducted for judges in each year. These courses are combined with short term (3 to 10 days) and long term (4 months) courses.